

STATEMENT OF BASIS (AI No. 157180)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123919 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Angel Annie, Inc.
Bait House Seafood
6003 Hwy. 56
Chauvin, LA 70344

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Kelli Hamilton

DATE PREPARED: May 2, 2008

1. PERMIT STATUS

A. Reason For Permit Action:

Issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: N/A
LPDES permit expiration date: N/A

C. Date Application Received: April 9, 2008

2. FACILITY INFORMATION

A. FACILITY TYPE/ACTIVITY - seafood boil facility

This facility is a seafood boil facility for take-out only. Shrimp, crabs and crawfish are rinsed and boiled.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II (BPJ points to 0 as per administrative decision)
3. Wastewater Type: II
4. SIC code: 2092

C. LOCATION - 6003 Hwy. 56 in Chauvin, Terrebonne Parish Latitude 29°24'21", Longitude 90°36'27"

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3. OUTFALL INFORMATION

Outfall 001

Discharge Type: treated sanitary wastewater
Treatment: sewage treatment plant
Location: at the point of discharge from the sanitary treatment system
Flow: 500 gpd
Discharge Route: Bayou Petit Caillou

Outfall 002

Discharge Type: seafood boil water
Treatment: none
Location: at the point of discharge from the boil pot
Flow: 40 gpd
Discharge Route: Bayou Petit Caillou

Outfall 003

Discharge Type: seafood rinse water
Treatment: none
Location: at the point of discharge from rinse table
Flow: intermittent
Discharge Route: Bayou Petit Caillou

4. RECEIVING WATERS

STREAM - Bayou Petit Caillou

BASIN AND SEGMENT - Terrebonne Basin, Segment 120504

DESIGNATED USES - a. primary contact recreation
b. secondary contact recreation
c. propagation of fish and wildlife
e. oyster propagation

5. TMDL Waterbodies

Subsegment 120504, Bayou Petit Caillou - From LA-24 bridge to Boudreaux Canal, is listed on LDEQ's Final 2006 303(d) List as impaired for nitrate/nitrite, organic enrichment/low DO, and phosphorus. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDL's for the Terrebonne Basin, those suspected causes for impairment which are not directly attributed to the seafood boil facility point source category have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected causes of impairment which could be attributed to pollutants which

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were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated.

Suspected causes of concern remaining after this elimination process are addressed in a manner consistent with the Department's permitting guidance for implementing Louisiana's surface water quality standards as follows:

Organic enrichment/low DO

A BOD₅ limit has been established in accordance with sanitary discharges for Outfall 001. Monitoring and reporting requirements have been included for Outfalls 002 and 003. Due to the small flows of Outfalls 001, 002 and 003, no outfall is expected to have a measurable impact on DO in the receiving waterbody.

Nutrients

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a BOD₅ limitation. Compliance with the BOD₅ limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the effluent limitations of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards. Dissolved oxygen will be controlled by the BOD₅ limit.

Subsegment 120504 was previously listed as impaired for pathogen indicators (fecal coliform bacteria), for which the below TMDL has been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDLs and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

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The following TMDL has been established for subsegment 120504:

TMDLS for the Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids, Sediment, Total Suspended Solids, and Turbidity for Selected Subsegments in the Terrebonne Basin was finalized on April 19, 2007.

Fecal Coliform Bacteria

Subsegment 120504 was listed as impaired for fecal coliform bacteria. According to the TMDL report, "For fecal coliform bacteria, LDEQ's policy is to set wastewater permit limits no higher than water quality criteria (i.e., criteria are met at end-of-pipe). As long as point source discharges of treated wastewater contain parameter levels at or below these permit limits, they should not be a cause of exceedances of the fecal coliform bacteria water quality criteria. Therefore, no change in permit limits is required." Standard fecal coliform limits have been included in the permit at Outfall 001 that will address the potential for further impairment of this waterbody.

6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

7. COMPLIANCE HISTORY/COMMENTS

A. Compliance History

No records of compliance actions were found.

B. DMR Review/Excursions

No DMR data were available for review since this is a first time issuance.

8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 120504 of the Terrebonne Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

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9. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

10. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

11. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

12. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).

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Rationale for Angel Annie, Inc.

1. Outfall 001 treated sanitary wastewater (estimated flow is 500 gpd)

<u>Pollutant</u>	<u>Limitation</u>		<u>Reference</u>
	Mo. Avg.	Weekly Avg.	
	(mg/l)		
Flow (GPD)	Report	Report	LAC 33:IX.2361.I.1.b.
BOD ₅	--:45		See limits justification (1), (2) below
TSS	--:45		See limits justification (1), (2) below
Oil & Grease	--:15		See limits justification (1), (2) below
Fecal Coliform	---:43		See limits justification (1), (2) below
pH (s.u.)	6.0:9.0		See limits justification (2) below
	(min:max)		

Treatment: 500 gpd STP

Monitoring Frequency: All parameters shall be monitored semi-annually in accordance with the current permitting practices for similar outfalls.

Limits Justification:

- 1) Sanitary wastewater regulated in accordance with LAC 33:IX.711 or LAC 33:IX.709.B - Concentration limits are used in accordance with LAC 33:IX.2363.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD₅ and TSS in terms of concentration. Fecal Coliform limits have been set as per LAC 33:IX.1113.C.5.d.
- 2) BPJ utilizing the LPDES Class I Sanitary General Permit

* Existing permits for similar outfalls
 BPJ Best Professional Judgement
 su Standard Units

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2. Outfall 002 seafood boil water (estimated flow is 40 gpd)
 Outfall 003 seafood rinse water (estimated flow is intermittent)

<u>Pollutant</u>	<u>Limitation</u>	<u>Reference</u>
	Mo. Avg:Daily Max (mg/l)	

Flow (GPD)	---: Report	BPJ; *
BOD ₅	---: Report	BPJ; *
TSS	---: Report	BPJ; *
Oil & Grease	---: Report	BPJ; *
pH (su)	6.0-9.0	BPJ; *

Treatment: none

Monitoring Frequency: 1/quarter, based upon permits for similar discharges

Limits Justification: The Canned and Preserved Seafood Processing ELGs (40 CFR 408) do not apply to seafood boil and/or rinse waters. Report only requirements for BOD, TSS, and Oil & Grease and a pH range of 6-9 s.u. have been placed in the permit as per BPJ and existing permits for similar outfalls. The accumulated data will be used to assess the potential problems associated with discharges of this type.

* Existing permits for similar outfalls
 BPJ Best Professional Judgement
 su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.